

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|                      |   |   |
|----------------------|---|---|
| KATHLEEN SCHWEER,    | ) |   |
|                      | ) |   |
| Plaintiff,           | ) |   |
| v.                   | ) | Case No. CIV-24-01323-JD                  |
|                      | ) |   |
| ELEVATE HEALTH, LLC, | ) | <u>September 2026</u> <b>TRIAL DOCKET</b> |
|                      | ) |   |
| Defendant.           | ) |   |

**SPECIALIZED SCHEDULING ORDER**

Date 3/31/2025 Judge Jodi W. Dishman Deputy Clerk Regan Popp

Appearing for Plaintiff: Andrew Perrong

Appearing for Defendant: Katherine Mannino, Taylor Crousillac,<sup>1</sup> and Amy Sherry Fischer

☒ **JURY TRIAL DEMANDED** - ☐ **NON-JURY TRIAL**

**THE FOLLOWING DEADLINES ARE SET BY THE COURT**

- |  |   |
|--|---|
| <p>1. Motions to <b>join additional parties</b> to be filed by <u>within 30 days of this order</u>.</p> <p>2. Motions to <b>amend pleadings</b> to be filed by <u>within 30 days of this order</u>.</p> <p>3. Plaintiff to file final list of <b>expert witness(es)</b> in chief and serve <b>expert reports</b> by <u>February 20, 2026</u>.*</p> <p>Defendant to file final list of <b>expert witness(es)</b> in chief and serve <b>expert reports</b> by <u>March 6, 2026</u>.*</p> <p>4. Plaintiff to file a final list of <b>witnesses</b>, together with addresses and brief summary of expected testimony where a witness has not already been deposed, by <u>March 6, 2026</u>.*</p> | <p>Defendant to file a final list of <b>witnesses</b> (as described above) by <u>March 20, 2026</u>.</p> <p>5. Plaintiff to file final <b>exhibit list</b> by <u>March 6, 2026</u>.* Defendant to file <b>objections</b> to plaintiff's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by <u>March 20, 2026</u>.</p> <p>Defendant to file final <b>exhibit list</b> by <u>March 20, 2026</u>.* Plaintiff to file <b>objections</b> to defendant's final exhibit list, under Fed. R. Civ. P. 26(a)(3)(B) by <u>April 3, 2026</u>.</p> <p><b>*The listing of witnesses and exhibits shall separately state those expected to be called or used and those which may be called or used if the need arises. <u>Except for good cause shown, no witness will be permitted to testify and</u></b></p> |
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<sup>1</sup> This attorney is missing an entry of appearance. See LCvR83.4.

**no exhibit will be admitted in any party's case in chief unless such witness or exhibit was included in the party's filed witness or exhibit list.**

6. **Discovery** to be completed by May 6, 2026.  
  
**All discovery motions shall be filed at least 30 days in advance of the discovery deadline absent extraordinary circumstances.**
7. **Plaintiff's Motion for Class Certification** to be filed by January 16, 2026. Defendant's response due thirty (30) days thereafter. Plaintiff's reply due fourteen (14) days thereafter.
8. All **dispositive and Daubert motions** to be filed by May 6, 2026. Any response due thirty (30) days thereafter. Any reply due fourteen (14) days thereafter.
9. **Trial docket September 8, 2026.**\*\*  
  
\*\*The published trial docket will announce the trial setting on the trailing docket. Pretrial conferences will be held approximately two weeks in advance.
10. **Designations of deposition testimony** to be used at trial to be filed by August 3, 2026. Objections and counter-designations to be filed by August 10, 2026. Objections to counter-designations to be filed by August 17, 2026.
11. **Motions *in limine*** to be filed by August 3, 2026.\*\*\*  
  
\*\*\***Motions *in limine* shall be consolidated into a single filing that is subject to the page limitation in LCvR7.1(e). The motion must include a certificate of conference reciting the efforts made to confer with opposing counsel regarding motions *in limine*. Parties are expected to include only disputed issues in their motion *in limine*. Parties must attach to the**

**motion or otherwise submit to the Court the disputed evidence that is at issue.**

12. **Requested voir dire** to be filed by August 3, 2026.
13. **Trial briefs** (optional unless otherwise ordered) to be filed by August 3, 2026.
14. Requested **jury instructions** to be filed on or before August 3, 2026.\*\*\*\*  
\*\*\*\*The parties must submit an agreed set of **Joint Jury Instructions** and, if applicable, separate jury instructions that are unique to each party. Plaintiff shall be responsible for circulating the first draft of Joint Jury Instructions at least ten (10) days before August 3, 2026.  
  
**The parties must submit their proposed Joint Jury Instructions and, if applicable, separate supplemental jury instructions and findings of fact and conclusions of law in Word format to the Clerk via the Court's designated mailbox: [dishman-orders@okwd.uscourts.gov](mailto:dishman-orders@okwd.uscourts.gov). If the parties are using pattern jury instructions, they must redline any proposed deviations to the pattern instructions in the copy submitted to the Court's designated mailbox.**
15. Proposed **findings of fact and conclusions of law** to be filed not later than August 3, 2026.\*\*\*\*
16. Any **objection or response to the trial submissions** referenced in ¶¶ 11, 12, 13, 14, or 15 to be filed by August 17, 2026. Any response to motions *in limine* shall be consolidated and subject to the page limitation in LCvR7.1(e). No replies will be permitted, unless ordered by the Court.
17. The **Final Pretrial Report**, approved by all counsel, and in full compliance with LCvR16.1(c)(1) (See Appendix IV), shall be filed by plaintiff's counsel. A proposed order approving the report shall

be submitted to the Court via the Court's designated mailbox: [dishman-orders@okwd.uscourts.gov](mailto:dishman-orders@okwd.uscourts.gov), August 3, 2026.

The **Final Pretrial Report** shall include as an attachment and/or exhibit the following: (i) a list of "Joint Exhibits" to be used at trial by all parties, and (ii) separate exhibit lists for exhibits that are unique to each party ("Plaintiff's Additional Exhibit List" and "Defendant's Additional Exhibit List").

18. This case is referred to ADR:

- ☐ Mediation, by agreement of the parties, exempt from LCvR16.3.
- ☐ Court-Ordered Mediation subject to LCvR16.3.
- ☐ Judicial Settlement Conference
- ☒ Other: Private mediation after initial discovery into the size and nature of the alleged classwide calling conduct, which the parties anticipate will take until the fall of 2025.

If the Court orders mediation, the process shall be completed and the parties shall communicate by notice to the Court stating whether the case settled by **December 1, 2025**.

19. The parties consent to trial by a Magistrate Judge. Yes ☐ or No ☒
20. **Initial disclosures** pursuant to Fed. R. Civ. P. 26 have been made ☐; are excused ☐; or ☒ shall be made not later than April 21, 2025.
21. Documents referenced within the initial disclosures pursuant to Fed. R. Civ. P. 26 have been made ☐; are excused ☐; or ☒ shall be produced on a rolling basis starting no later than April 21, 2025.
22. The Court further ORDERS counsel for the parties to advise this Court through a brief **Joint Status Report** of any and all updates regarding the status of discovery (including the relevant dates of written, deposition, and third-party discovery), anticipated motions, and overall status of this case by **October 31, 2025**. Plaintiff's counsel shall initiate the report and circulate a draft to all other parties at least seven (7) days before the filing deadline. Plaintiff's counsel shall be responsible for filing the report by the deadline.
23. **Federal Rules of Civil Procedure 1, 6(b), and 16(b)(4), and good cause/excusable neglect standards for extensions discussed.** Case Citations: Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380 (1993); Tesone v. Empire Mktg. Strategies, 942 F.3d 979 (10th Cir. 2019); Gorsuch, Ltd., B.C. v. Wells Fargo Nat'l Bank Ass'n, 771 F.3d 1230 (10th Cir. 2014); United States v. Torres, 372 F.3d 1159 (10th Cir. 2004).
24. For additional requirements, please see *Judge Dishman's Chamber Procedures for Civil Cases and Civil Cases: Guidelines for Protective Orders on Confidentiality, Sealing Documents, and Redactions*, available on the Court's website under Chambers Rules.
25. Other: None at this time.

Dated this 31st day of March 2025.

BY ORDER OF THE COURT  
JOAN KANE, CLERK OF COURT

By: /s/ Regan Popp  
Deputy Clerk

Copies to all parties